



House of Commons

Monday 18 November 2013

CONSIDERATION OF BILL

NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) BILL

NEW CLAUSES

Patterns and lessons report on aspects of the past

Mark Durkan
Alasdair McDonnell

NC1

To move the following Clause:—

- (1) The Secretary of State may appoint a person or persons to prepare an analysis of findings, issues, patterns or lessons from various reports in particular events of Northern Ireland's troubled past.
- (2) The Secretary of State may exercise this power in consultation or conjunction with another statutory body.
- (3) The reports from which an analysis or narrative might be drawn will include those by—
 - (a) a body established to investigate, review and report on matters in Northern Ireland's burdened past in terms, and with standards, which comply with Article 2 of the European Convention of Human Rights;
 - (b) the Historical Enquiries Team;
 - (c) the Police Ombudsman;
 - (d) Public Inquiry;
 - (e) an independent panel; or
 - (f) other review mechanisms.
- (4) If the Secretary of State appoints a person or persons to prepare a narrative analysis under this section, any existing provision prohibiting publication of the material to be analysed shall, subject to subsection (5) below, not apply for the purposes of this section.
- (5) No personal information shall be included in the analysis as published without the permission of the person concerned or, if they are dead, of their relatives.

Member's explanatory statement

This Clause would allow reports to be commissioned on aspects of Northern Ireland's troubled past, drawing on findings in reports by given mechanisms which have investigated or considered

Northern Ireland (Miscellaneous Provisions) Bill, *continued*

particular cases or events. Those mechanisms could include any new body created with particular regard to Article 2 ECHR compliance.

Petitions of concern

Mark Durkan

NC2

To move the following Clause:—

- ‘(1) In section 42 of the Northern Ireland Act 1998 (Petitions of concern), omit subsection (3) and insert—
- “(3) When a petition of concern is lodged against a measure, proposal or a decision by a Minister, Department or the Executive (“the matter”), the Assembly shall appoint a special committee to examine and report on whether the matter is in conformity with equality and human rights requirements, including the European Convention on Human Rights and any Bill of Rights for Northern Ireland.
- (4) Consistent with paragraphs 11, 12 and 13 (Strand 1) of the Belfast Agreement, a committee as provided for under subsection (3) may also be appointed at the request of the Executive Committee, a Northern Ireland Minister or relevant Assembly Committee.
- (5) A committee appointed under this section—
- (a) shall have the powers to call people and papers to assist in its consideration; and
- (b) shall take evidence from the Equality Commission and the Human Rights Commission.
- (6) The Assembly shall consider the report of any committee appointed under this section and determine the matter in accordance with the requirements for cross-community support.
- (7) Standing Orders shall provide for—
- (a) decisions on the size, timescale and terms of reference for such a committee; and
- (b) procedure(s) to allow for subsection (8).
- (8) In relation to any specific petition of concern or request under subsection (4), the Assembly may decide, with cross-community support, that the procedure in subsections (3) and (5) shall not apply.”’.

Member’s explanatory statement

This Clause would amend the Northern Ireland Act 1998 to reflect the terms and intent of paragraphs 11, 12 and 13 of strand 1 of the Belfast Agreement. It would qualify the exercise of veto powers, via petitions of concern in the Assembly, through the consideration of possible equality or human rights implications.

Northern Ireland (Miscellaneous Provisions) Bill, *continued*

Annual report an activity relating to Northern Ireland's past

Mark Durkan
Margaret Ritchie

NC3

To move the following Clause:—

- (1) The Secretary of State shall lay a report before Parliament in respect of each year as soon as possible after the end of the year to which it relates.
- (2) The Secretary of State may appoint a person or persons to produce the report required under subsection (1).
- (3) A report laid under subsection (1) shall contain in relation to the year to which it applies—
 - (a) a summary of the work of any body established to investigate, review or report on matters in Northern Ireland's burdened past in terms and with standards which comply with Article 2 of the European Convention on Human Rights;
 - (b) a summary of the work of the Historical Enquiries Team of the Northern Ireland Police;
 - (c) a summary of the work of the Police Ombudsman for Northern Ireland insofar as it relates to Northern Ireland's past;
 - (d) a summary of the work of the Independent Commission for the Location of Victim's remains;
 - (e) a summary of the work of other public bodies which, in the opinion of the Secretary of State, relates to Northern Ireland's past;
 - (f) a summary of findings of any inquiry, review or panel which has reported on particular events in Northern Ireland's past;
 - (g) a summary of responses made by Her Majesty's Government or any other Government or body to any of the work covered by the report; and
 - (h) a clear indication where the findings of any work summarised in the report contradict remarks recorded in the Official Report of the House of Commons or House of Lords, especially by a Minister of the Crown.
- (4) After a report under subsection (1) has been laid before Parliament the Secretary of State shall provide a statement to Parliament which shall contain references to—
 - (a) independent legal assessment of the compliance of the work covered by the report with Article 2 of the European Convention of Human Rights;
 - (b) the progress made during the year in dealing with Northern Ireland's past;
 - (c) any apologies that have been given by any Government or public body in relation to the work summarised in the report;
 - (d) any apologies that have been given by any Government or public body in the context of any other reports, revelations or admissions which relate to Northern Ireland's past; and
 - (e) any other relevant issues or concerns as they relate to Northern Ireland's past.
- (5) Any existing provision prohibiting publication of the material to be summarised under subsection (2)(a) shall, subject to subsection (6) below, not apply for the purposes of this section.

Northern Ireland (Miscellaneous Provisions) Bill, *continued*

- (6) No personal information shall be included in the report as laid before Parliament without the permission of the person concerned or, if they are dead, of their relatives.’.

Member’s explanatory statement

This Clause would allow for a new Article 2 compliant mechanism to investigate past events. This could replace the Historical Enquiries Team and Police Ombudsman’s respective roles on the past. It provides an annual report on all work on the past accompanied by a ministerial statement addressing certain matters.

Secretary Theresa Villiers
Naomi Long

Clause 1, page 2, line 37, leave out ‘October’ and insert ‘January’.

1

Mr Nigel Dodds
Dr William McCrea
Mr Jeffrey Donaldson
Mr Gregory Campbell
David Simpson
Jim Shannon

Ian Paisley

Sammy Wilson

Clause 6, page 6, line 37, at end add—

‘7B The alteration of the number of members of the Assembly required to express their concern about a matter which is to be voted on by the Assembly, such concern requiring that the vote on that matter shall require cross-community support.

This paragraph does not include the alteration of that number to a number exceeding 30.’.

3

Mark Durkan
Margaret Ritchie

Clause 22, page 16, line 3, at end insert—

‘(1) After subsection (2) of the section 75 (Statutory duty on public authorities) of that Act insert—

“(2A) A public authority shall not interpret its obligations under subsection (2) in a way that is incompatible with measures taken on the basis of objective need.”

4

Northern Ireland (Miscellaneous Provisions) Bill, *continued*

- (1B) In subsection (5) of section 75 of that Act insert ““good relations” shall be interpreted in line with international obligations and, in particular, with regard to—
- (a) tackling prejudice, and
 - (b) promoting understanding.”’.

Member’s explanatory statement

This amendment would apply to Northern Ireland, the clarification provided in the Equality Act 2010 to restrict the good relation duty being cited against fulfilling equality obligations based on objective need.

Secretary Theresa Villiers

2

Clause 28, page 18, leave out lines 1 to 3.

ORDER OF THE HOUSE [24 JUNE 2013]

That the following provisions shall apply to the Northern Ireland (Miscellaneous Provisions) Bill:

Committal

1. Clauses 1 to 9 shall be committed to a Committee of the whole House.
2. The remainder of the Bill shall be committed to a Public Bill Committee.

Proceedings in Committee

3. Proceedings in Committee of the whole House shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the day on which those proceedings are commenced.
4. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 18 July 2013.
5. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.
6. When the provisions of the Bill considered, respectively, by the Committee of the whole House and by the Public Bill Committee have been reported to the House, the Bill shall be proceeded with as if it had been reported as a whole to the House from the Public Bill Committee.

Consideration and Third Reading

7. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
8. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming Committee

9. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Northern Ireland (Miscellaneous Provisions) Bill, *continued**Other proceedings*

10. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
-